App. No. 10/771,896
Amendment Dated: April 16, 2007
Reply to Office Action of January 16, 2007

REMARKS/ARGUMENTS

The Office Action mailed January 16, 2007 has been received and the Examiner's comments carefully reviewed. Claims 1-22 were rejected. Claims 1, 10 and 17 have been amended. No new matter has been added.

Claim Rejections

Claims 1 - 9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the Applicants have removed the term "may be" from Claim 1. The Applicants respectfully request the rejection be withdrawn.

Claims 10 - 16 were rejected under 35 U.S.C. 101 because the Examiner stated that they are directed to non-statutory subject matter. In response, the Applicants have amended Claim 10 to include the term "computer-readable storage medium." As such, the Applicants respectfully request the rejection be withdrawn.

Claims 1, 10 and 17 were rejected under 35 U.S.C. 102(b) as being taught by Swierk et al. (The Roma Personal Metadata Service) (hereinafter "Roma"). The Applicants respectfully present the following for consideration.

With regard to Claim 1, the Office Action states that Roma teaches "a method for synchronizing a device with data sources and allowing cross-pollination of the data sources and that at (Page 408, Par. 5-7 & Page 409, Par. 5, Figure 1, the system can be used for synchronization and transfer of data between sources for synchronization or version management

Page 6 of 9

App. No. 10/771,896
Amendment Dated: April 16, 2007
Reply to Office Action of January 16, 2007

purposes); ... synchronizing the device with the first source (Page 408, Par. 5-7 & Page 409, Par. 5, Figure 1, the device can synchronize with the first source) ... and synchronizing the device with the second source, wherein the device may be used to cross-pollinate between the first data source and the second data source (Page 408, Par. 5-7 & Page 409, Par. 5, as in Figure 1, system allows for synchronization and cross-pollination between device and first and second sources)."

Roma, however, teaches away from synchronizing items between multiple devices. In the first paragraph on page 409, Roma states that "[a]t the application level, some efforts have focused on using only existing system services to do peer-to-peer synchronization. Unfortunately, tools that use high-level file metadata provided by the system[14] ... are unreliable; they can only infer relationships between file copies from information not intended for such use. ... Other file synchronization tools[12] that employ application specific metadata to synchronize files are useful only for the set of applications they explicitly support." As such, Roma discloses a system that stores metadata at a central repository concerning a user's files (See page 409, paragraph 4). In order to implement this repository, Roma teaches that certain applications running on the different devices communicate with the central metadata server and update the central repository when a change is made to a file (See Figure 1). Roma describes these applications as "Roma-aware applications" (See page 413, paragraph 7). Roma does not, however, teach synchronizing a file between all of the different devices. Instead, Roma is directed at determining where the most recent version of a file is located and then attempting to obtain the most recent version of the file for a particular device. While the Applicants believe that the claims as presented are allowable over the prior art, Claims 1, 10 and 17 have been amended to more clearly define the invention.

App. No. 10/771,896
Amendment Dated: April 16, 2007
Reply to Office Action of January 16, 2007

As amended, Claim 1 recites in part "determining items to synchronize between the first

data source, the second data source and the device; connecting the device to a first data source;

and synchronizing the device with the first source such that the device and the first source each

include a same version of the items after the synchronizing" and "synchronizing the device with

the second source, wherein the device is used to cross-pollinate between the first data source and

the second data source such that the first data source, the second data source and the device each

include the same version of the items after the synchronizing and cross-pollinating." As

discussed above, Roma does not synchronize a file across all of the devices. Instead, Roma

waits for a user to attempt to access a file and then determines where the most recent version is

before accessing the file. Claim 1 is proposed to be allowable since Roma does not teach that

"the first data source, the second data source and the device each include the same version of the

items after the synchronizing and cross-pollinating." Claims 2-9 are proposed to be allowable as

they depend on a valid base claim.

Claim 10, as amended, recites in part "determining items to synchronize between the at

least two data sources and the device; synchronizing the device with the at least two data

sources; and cross-pollinating data between the at least two data sources such that the at least two

data sources and the device each include the same version of the items after the synchronizing

and cross-pollinating." Claim 10 is proposed to be allowable for at least the reasons presented

above. Claims 11-16 are proposed to be allowable as they depend on a valid base claim.

Claim 17, as amended, recites in part "a device that is configured to act a shuttle between

the at least two data sources to cross-pollinate, and that is configured to synchronize with the at

RECEIVED
CENTRAL FAX CENTER

APR 1 6 2007

least two data sources such that after synchronizing and cross-pollinating, the device and the at least two data sources include a same version of items that were selected to be synchronized."

Claim 17 is proposed to be allowable for at least the reasons presented above. Claims 18-22 are proposed to be allowable as they depend on a valid base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

27488
PATENT TRADEMARK OFFICE

Page 9 of 9